

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
 TRUSTEES OF THE LABORERS :
 INTERNATIONAL UNION OF NORTH :
 AMERICA LOCAL 235 FRINGE BENEFIT :
 FUNDS, and LABORERS INTERNATIONAL :
 UNION OF NORTH AMERICA LOCAL 235, :
 Plaintiffs, :
 -----x

v.

AWE INCORPORATED; QBE INSURANCE :
 CORPORATION; and KUJTIM ISUFI, :
 individually, :
 Defendants. :
 -----x

ORDER

23 CV 2298 (VB)

SEARCHED
INDEXED
SERIALIZED
FILED
5/3/23
CLERK
SOUTHERN DISTRICT COURT
NEW YORK

Plaintiffs commenced the instant action on March 17, 2023. (Doc. #1).

Plaintiffs docketed affidavits of service indicating AWE Incorporated (“AWE”) was served on March 21, 2023 (Doc. #6), QBE Insurance Corporation (“QBE”) was served on March 28, 2023 (Doc. #7), and Kujtim Isufi was served on March 30, 2023 (Doc. #9). Each defendant had twenty-one days after being served to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, none of the defendants has answered, moved, or otherwise responded to the complaint.

On April 20, 2023, plaintiffs obtained certificates of default as to two defendants, AWE and Isufi. (Doc. #16). Plaintiffs have not sought a certificate of default as to QBE.

On May 3, 2023, plaintiffs subsequently moved, by order to show cause, for default judgment against AWE and Isufi. (Docs. ##17–20). However, plaintiffs’ submission fails to comply with Attachment A of the Court’s Individual Practices, which requires an attorney’s affidavit setting forth “whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of liability and/or damages prior to the resolution of the entire action.” See also Fed. R. Civ. P. 54(b) (“When an action presents more than one claim for relief . . . or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.”).

Accordingly, it is HEREBY ORDERED:

1. Provided that QBE remains in default, plaintiffs shall seek a certificate of default as to QBE by **May 17, 2023**.

2. By **May 31, 2023**, plaintiff shall move by order to show cause for a default judgment as to any defendants remaining in default. To be clear, plaintiffs shall move for a default judgment IN A SINGLE MOTION as to all defendants who remain in default by May 31, 2023. The Court will not entertain multiple motions for default judgment.

3. Plaintiffs' motion for default judgment as to AWE and Isufi (Docs. ##17-20) is DENIED WITHOUT PREJUDICE to refiling in accordance with this Order and the Court's Individual Practices.

Dated: May 3, 2023

White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge